

## REMARKS

The comments of the Examiner as set forth in the official office action of January 25, 2005 have been carefully studied and reviewed. In addition, counsel for Applicant conducted an interview with Mr. Durand and Mr. Smith on February 16, 2005. During the course of that interview, proposed amendments to the claims, submitted February 7, 2005, were discussed along with the McGuiness patent. After some discussion, the Examiners suggested that Applicant file a formal response including the proposed amendment and discussions directed at the claims and the McGuiness patent.

In the last office action, the Examiner indicated that claims 27-29 were in condition for allowance except for the fact that they depended from a rejected independent claim. Claims 27-29 basically included the limitations that the staple gun includes a main body and a movable striker and that actuation of the staple gun by hitting the striker against a surface causes the staple to be expelled from the staple gun and causes the linkage interconnected between the striker and the cap feeding device to be driven.

Further, on page 7 of the office action, the Examiner asks Applicant to consider some sort of limitation that incorporated the simultaneous operation of the feed mechanism and the driving of the staple as the striker plate is engaged against a work surface.

Accordingly, Applicant has amended the claims in the present application to deal with some informalities brought to counsel's attention during the interview, and further, to claim the invention and the feature that impacting the staple gun against the work surface causes two things to happen: 1) a staple to be expelled, and 2) the actuation or driving of the cap feeding device. As discussed in the course of the interview, in the McGuiness patent there is provided a nail gun G that is adapted to fit within a plate structure 100. The plate structure 100 is movable up and down and the movement of the plate structure does drive the cap feeding mechanism. However, the nail gun and its actuation are totally independent of the up and down movement of

the plate structure 100. Indeed, the nail gun is fired by pulling a trigger and because the nail gun is a pneumatic nail gun, compressed air is utilized to drive a nail from the nail gun. The up and down movement of the plate structure 100 has nothing whatsoever to do with the actuation of the nail gun. In addition, neither the nail gun G nor the plate structure 100 is impacted against the work surface.

With that in mind, claim 1 has been amended to recite a manually actuated staple gun for ejecting one staple at a time in response to the staple gun being impacted against a work surface. Further, the mechanical linkage connected between the staple gun and the cap feeding device is said to be movable in response to the staple gun being manually actuated by impacting the staple gun against the work surface and causing a staple to be expelled therefrom, and further operative to actuate the shuttle mechanism that drives the cap feeder. Thus, this claim is limited to a manually actuated staple gun that is manually actuated by impacting the staple gun against the work surface and wherein this impact causes two things to happen, the expelling of a staple and the driving of a cap feeding device.

Claim 13 is similar to claim 1. It recites that the staple gun includes a movable striker that moves with respect to a main body portion of the staple gun. Further, the method recited includes impacting the striker of the manual staple gun against a work surface and moving the striker with respect to the main body portion of the staple gun and ejecting a staple from the staple gun. In paragraph (c) of the claim it is recited that "wherein the movement of the linkage is initiated by impacting the striker of the staple gun against the work surface and causing the striker of the staple gun to move with respect to the main body of the staple gun."

Claim 17 is similar in scope. Claim 17 calls for a manually actuated staple gun having a main body and striker movable with respect to the main body in response to impacting the striker against a surface and operative to eject a staple from the staple gun in response to impacting the striker against a surface. The claim further calls for means for moving the cap feeder back and forth between the first and second positions. This means includes a linkage

interconnected between the movable striker and the cap feeder for driving the cap feeder in response to the striker of the staple gun being impacted against the surface and staples being ejected from the staple gun.

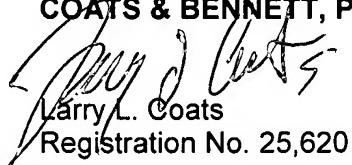
Claim 22 also is similar in scope. Here the claim calls for a method of feeding caps from a cap feeder device to a manual staple gun. Claim 22 is limited to a manually actuated staple gun that includes a movable portion that is impacted against a work surface resulting in the staple gun ejecting a staple and driving the cap feeding device in response to the movable portion of the staple gun impacting the work surface and a staple being ejected from the staple gun.

It is respectfully urged that the claims in the present application address the concerns of the Examiner and further incorporate into the claims the simultaneous operation of the cap feeding mechanism and the driving or ejection of staples from the staple gun. If perchance these claims do not place the present application in condition for allowance the Examiner is requested to telephone the undersigned to determine if the claims can be placed in condition for allowance.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

By:



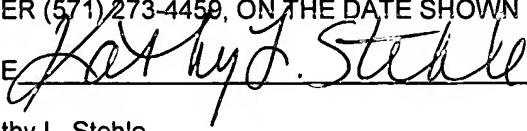
Larry L. Coats  
Registration No. 25,620

P.O. Box 5  
Raleigh, NC 27602  
Telephone: (919) 854-1844

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, FAX NUMBER (571) 273-4450, ON THE DATE SHOWN BELOW.

SIGNATURE



NAME: Kathy L. Stehle

DATE: 2/16/05